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REMARKS

In response to the Examiner's Answer mailed **January 21, 2010** (hereinafter "Answer") in which new grounds of rejection were presented, Applicant hereby requests that prosecution be re-opened pursuant to 37 C.F.R. 41.39(b)(1). Accordingly, by this Amendment, claims 1, 3, 4, 12-15, 17, 18, 26-29, 40, and 41 have been amended. Claims 42-59, previously withdrawn from consideration, have been cancelled without prejudice or disclaimer. No claims have been newly added. Therefore, claims 1, 3-9, 11-15, 17-23, 25-29, 31-37, and 39-41 are pending. Support for the instant amendments is provided throughout the as-filed Specification. Thus, no new matter has been added. In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

NEW REJECTION UNDER 35 U.S.C. § 101

Claims 1, 3-9, and 11-14 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter [Answer, pgs. 3-5]. Applicant disagrees with the rejection for *at least* the reason that the Examiner is improperly reading limitations into 35 U.S.C. § 101 on the subject matter that may be patented. Nonetheless, *solely* in an effort to expedite prosecution, and in no way acquiescing to the propriety of the alleged rejection, independent claim 1 has been amended, thus rendering the rejection moot. Accordingly, withdrawal of the rejection under 35 U.S.C. § 101 is earnestly sought.

NEW REJECTION UNDER 35 U.S.C. § 112, ¶12

Although no specific claim number is identified by the Examiner, independent claim 1 *apparently* stands rejected under 35 U.S.C. § 112, ¶12 [Answer, pg. 5]. The basis for the alleged rejection is that the recitation of "a computer-implemented method of processing a transaction" has not been accorded patentable weight by the Examiner. Applicant traverses this rejection because the mere statement that a certain claim recitation has not been accorded patentable weight (which, in this instance, is improper) provides no basis

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whatsoever as to why the claim language itself is indefinite and would prevent a person of ordinary skill in the art from interpreting the metes and bounds of the claim. Accordingly, the rejection under 35 U.S.C. § 112, ¶2 is legally improper and should be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1, 3-9, 11-15, 17-23, 25-29, 31-37, and 39-41 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,061,660 to Eggleston *et al.* ("Eggleston") in view of U.S. Patent No. 4,968,873 to Dethloff *et al.* ("Dethloff") [Answer, pg. 8]. Applicant traverses the rejection under § 103 for at least the reason that the Examiner has failed to establish a *prima facie* case of obviousness. In particular, assuming arguendo that that the proposed combination of Eggleston and Dethloff were deemed legally proper (which Applicant does not concede), the references, even if combined, still fail to disclose, teach, or suggest all of the claim features.

The Examiner's rejection is predicated upon the assertion that the telecommunications connections (38) in FIG. 2 of Eggleston corresponds to Applicant's claimed intermediary computer [Answer, pg. 9]. This is *not* a reasonable interpretation, *nor* is it consistent with the description of the intermediary in the as-filed Specification [see Applicant's Specification, *e.g.*, ¶'s [021]-[022]]. Rather, the as-filed Specification discloses that participants in a transaction are communicatively coupled to the intermediary computer via communications links.

Moreover, assuming arguendo that the Examiner's interpretation were deemed proper, and that the telecommunications connections (38) of Eggleston do correspond to Applicant's claimed intermediary computer (which Applicant does not concede), the rejection would still fail as a matter of law. Particularly, applying the Examiner's interpretation consistently to the claim language of independent claim 1, for example, the telecommunications connections (38) of Eggleston would have to perform the following claimed operations performed by/at the intermediary computer:

receiving, ***at an intermediary computer***, from a client device associated with a first participant in the transaction, a request to process the transaction using a first currency that is not

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recognized by a second participant in the transaction, wherein the client device is operatively connected to the intermediary computer via a communications link, and wherein the first currency comprises a private currency;

decrementing, *by the intermediary computer*, an amount of the first currency associated with the first participant by decrementing a balance of a first currency account of the first participant maintained *at the intermediary computer*;

incrementing, *by the intermediary computer*, an amount of second currency associated with the first participant by incrementing a balance of a second currency account of the first participant maintained *at the intermediary computer*, wherein the second currency is recognized by the second participant;

[See independent claim 1, (*emphasis added*)].

Eggleston's telecommunications connections (38) do not perform these claimed operations. Dethloff was not relied-upon for the teaching of the claimed intermediary computer. Because the Examiner's alleged § 103 rejection is based on portions of Eggleston alone that do not in fact support the Examiner's contentions, the Examiner has failed to meet the requisite burden of establishing a *prima facie* case of obviousness.

Independent claim 15 includes recitations similar to those of independent claim 1 addressed above. Independent claim 29 recites similar operations performed by/at a transaction processor (*e.g.*, decrement(ing) an amount of the first currency and increment(ing) an amount of second currency) that are not performed by Eggleston's telecommunications connections (38).

For at least the foregoing reasons, the rejection of independent claims 1, 15, and 29 under § 103(a) is improper and should be withdrawn. Dependent claims 3-9, 11-14, 17-23, 25-28, 31-37, and 39-41 are allowable because they each ultimately depend from an allowable independent claim, as well as for the further features they recite.

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CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

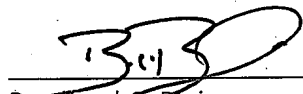
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

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